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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,852	12/21/2001	Paul Nicholas Gartside	01.122.01	5732
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Zilka-Kotab, PC P.O. Box 721120 San Jose, CA 95172-1120				
			EXAMINER BERGER, AUBREY H	
			ART UNIT 2134	PAPER NUMBER
DATE MAILED: 09/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/023,852	Applicant(s) GARTSIDE ET AL.	
	Examiner Aubrey H. Berger	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 20, 21, 36 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-46 are pending.

Claim Objections

2. Claims 4, 5, 20, 21, 36 and 37 are objected to because of the following informalities: either "synchronised or synchronisation" at the end of the claim is spelled incorrectly. Appropriate correction is required. Applicant's cooperation is requested in correcting any similar errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 34-46 recite the limitation "A computer program product" in line 1 of each claim. There is insufficient antecedent basis for this limitation in the claim. "A computer program product" is believed to be replaced by "An apparatus" for claims 34-46, as consistent with claim 33 and will be treated accordingly.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under

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the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-46 are rejected under 35 U.S.C. 102(e) as being anticipated by International Publication Number WO 02/19067 to Hypponen.

Regarding claim 1, Hypponen discloses master malware definition data/Management Center virus signature database (fig. 1, #5), identifying a plurality of items of malware each belonging to one of a plurality of classes of malware threat (page 1, ¶4), identifying code operable to identify one or more classes of malware threat against which said mobile computing device/wireless device (fig. 1, #2), is to be protected/scanning engine (page 1, lines 29-31), and generating code operable to generate from said master malware definition data/Management Center virus signature database, said mobile computing device/wireless device, malware definition data/virus signature database (in wireless device) (fig. 2, #9), said mobile computing device/wireless device, malware definition data/virus signature database, identifying items of malware identified within said master malware definition data/Management Center virus signature database, which are within classes of malware threat against which said mobile computing device/wireless device, is to be protected, (page 6, lines 21-30).

Regarding claim 2, Hypponen further discloses wherein said obtaining code, said identifying code and said generating code are executed by a fixed location computing device/Management Center (fig. 1, #5), said fixed location

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computer/Management Center, being operable to transfer to said mobile computing device/wireless device, one or more computer files including at least a computer file containing said mobile computer device/wireless device, malware definition data/virus signature database, (fig. 3).

Regarding claim 3, Hypponen further discloses wherein said fixed location computing device/Management Center, is a user computer (Fig. 1, #5), having communication link with said mobile computing device/wireless device, (page 6, lines 24-26).

Regarding claims 4-6, Hypponen further discloses wherein, when said mobile computing device/wireless device, is connected to said fixed location computing device/Management Center, different versions of user generated computer files respectively stored by said mobile computing device/wireless device, (stored in virus signature database) and said fixed location computing device/Management Center, are synchronized (page 7, lines 16-19), wherein said mobile computing device/wireless device, malware definition data/virus signature database, is transferred from said fixed location computing device/Management Center, to said mobile computing device/wireless device, during said synchronization (fig. 3), when said mobile computing device/wireless device, is connected to said fixed location computing device/Management Center, versions of said mobile computing device/wireless device, malware definition data/virus signature database, stored on said mobile computing device

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(virus signature database) and said fixed location computing device/Management Center, are compared (fig 3.), and, if said fixed location computing device/Management Center, has a more up-to-date version of said mobile computing device/wireless device, malware definition data/virus signature database, then said more up-to-date version of said mobile computing device/wireless device, malware definition data/virus signature database is transferred from said fixed location computing device/Management Center, to said mobile computing device/wireless device (page 3, lines 5-7).

Regarding claims 7-10, Hypponen further discloses wherein said fixed location computing device/Management Center, stores profile data identifying one or more different types of mobile computing device/wireless devices (Fig 1, #2, #4), to which said fixed location computing device/Management Center, may transfer computer files and corresponding threat data identifying one or more classes of malware threat to which each of said mobile computing devices/wireless devices, is vulnerable (fig. 3, sequence number is compared), wherein user controlled policy data/Management Agent (fig. 2, #10), is used in combination with said threat data to control against which classes of malware threat said mobile computing device/wireless device, is protected by said mobile computing device/wireless device, malware definition data/virus signature database, wherein said different types of mobile computing device/wireless devices, correspond to different types of operating system (page 5, line 16), computer program used by mobile computing devices/wireless devices, wherein

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said fixed location computer/Management Center, device detects to which mobile computing devices it may transfer computer files by detecting installation upon said fixed location computing device/Management Center, of one or more transfer controlling computer programs operable to control transfer of computer files to one or more predetermined mobile computing devices/wireless devices.

Regarding claims 11 and 13, Hypponen further discloses wherein fixed location computing device/Management Center, also transfers a malware scanner computer program/anti-virus scanning engine (fig 2., #8), from said data source to said mobile computing device/wireless device, (page 6, lines 29-30), wherein said fixed location computing device/Management Center, checks for an updated malware scanner computer program/ anti-virus scanning engine, becoming available from said data source and, if such an updated malware scanner computer program/ anti-virus scanning engine, become available, then obtains said updated malware scanner computer program/ anti-virus scanning engine, for transfer to said mobile computing device/wireless device (page 6, lines 21-24).

Regarding claim 12, Hypponen further discloses wherein said fixed location computing device/Management Center, checks for updated master malware definition data/Management Center virus signature database, becoming available from said data source and, if such updated master malware definition data/Management Center virus signature database, becomes available, then

repeats said steps of obtaining, identifying and generating (fig. 3).

Regarding claim 14, Hypponen further discloses wherein said master malware definition data/Management Center virus signature database is also used to protect said fixed location computing device/Management Center, from malware (Fig. 1, #5).

Regarding claim 15, Hypponen further discloses wherein said fixed location computing device/Management Center, is connected to said data source by a fixed Internet link (page 2, lines1-2).

Regarding claim 16, Hypponen further discloses wherein said items of malware include one or more of a computer virus, a worm, a Trojan, a banned computer file, a banned word and a banned image (page 1, ¶4).

As per claims 17-32, these are a method version of the claimed computer program product discussed above in claims 1-16 respectively, wherein all claimed limitations have also been addressed and/or cited as set forth above.

As per claims 33-46, these are a apparatus version of the claimed computer program product discussed above in claims 1-16 respectively, wherein all claimed limitations have also been addressed and/or cited as set forth above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. U.S. Patent Application Publication Number 2004/0010579 A1 is cited for a method for managing virus protection on a wireless device.
- b. U.S. Patent Number 6,622,150 is cited for managing computer virus definitions using a structured virus database from virus definition sets.
- c. U.S. Patent Application Publication Number 2002/0042886 A1 is cited for a method of protecting wireless device against viruses and maintaining a database of virus signatures.
- d. U.S. Patent Number 5,948,104 is cited for a system for updating virus signatures.

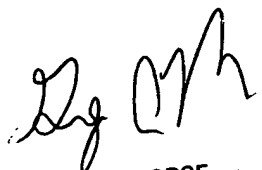
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aubrey H. Berger whose telephone number is (571)272-8155. The examiner can normally be reached on Monday - Thursday, 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHB



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